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DR. HAROLD D. FOSTER
1543 ASH ROAD
VICTORIA BC V8N 2-59 CA CANADA

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OFFICE OF PETITIONS

In re Application of
Harold Douglas Foster
Application No. 10/600,028
Filed: June 23, 2003
Title of Invention: **PROTOCOL FOR AIDS
PREVENTION AND TREATMENT BY
NUTRITIONAL METHODS**

ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(b),¹ filed January 26, 2007, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely respond to the Notice to File Missing Parts mailed December 30, 2003. Accordingly, a Notice of Abandonment was mailed February 14, 2006. A petition filed April 3, 2006 under 37 CFR 1.137(b) was dismissed in a decision mailed December 13, 2006 because the petition fees were deficient and replacement CDs were not included.

Comes now petitioner with the instant renewed petition and the proper response to the Notice to File Missing Parts. All other requirements having been met, this matter is being referred to the Office of Initial Patent Examination for further pre-examination processing.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

¹Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c).